IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 13TH APRIL, 2007 / 23RD CHAITHRA, 1929

WP(C).No. 13083 of 2007(G)

PETITIONER:

MATHAI CHACKO,
KUNNUMPURATH HOUSE,
KURUMULLOR,
KOTTAYAM DISTRICT.

BY ADV. SRI.P.K.SURESH KUMAR
SMT.PRIYA VIJAYAN

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
KOTTAYAM.

2. THE REVENUE DIVISIONAL OFFICER,
PALA, KOTTAYAM.

3. JOY,
ELAMBASSERIL HOUSE,
KURUMULLOR.P.O.,
KOTTAYAM DISTRICT.

R1 & R2 BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 13083 OF 2007

Dated this the 13th day of April, 2007

J U D G M E N T

The petitioner wants the District Collector to take appropriate action to stop the illegal excavation of soil taking place in the third respondent's property which causes, according to the petitioner, environmental and ecological problems in the locality. Ext.P1 is the petition filed by the petitioner in this regard, before the District Collector. The petitioner seeks a direction to the District Collector to dispose of Ext.P1.

2. I have heard learned counsel for the petitioner as also the learned Government Pleader appearing for the respondents.

3. From Ext.P1 itself, I find that the District Collector has endorsed the same to the Revenue Divisional Officer, Pala for necessary action. In the above circumstances, it is only appropriate that the Revenue Divisional Officer be directed to consider Ext.P1 in accordance with law. Accordingly, I direct the second respondent R.D.O. to consider Ext.P1 and pass appropriate orders thereon, after affording an opportunity of

being heard to the petitioner. In the process of hearing, it would be open to the petitioner to produce Exts.P2 and P3 in which case the second respondent shall consider the same also while disposing of Ext.P1 petition. It would also be open to the R.D.O. to pass interim orders if he finds it necessary in the interest of justice.

The writ petition is disposed of with the above direction.

sd/-
S. SIRI JAGAN,
Judge

Mbs/

-True Copy-

P.A.to Judge.

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:13-02-2007